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June 1, 2016

The Honorable Richard D. Bennett
United States Judge
United States District Court for the District of Maryland
Federal Court House
101 W. Lombard Street
Baltimore, Maryland 21201

> Re: Charles E. Mattison v. Maryland Transit Administration, et al
>   Civil Case No: RDB-15-1627

Dear Judge Bennett,

This letter is in response to your Scheduling Order of May 18, 2016.

(1) Scheduling Order

The parties hereby jointly request that the Court extend all deadlines in its scheduling order by two months due to counsels' commitments to other previously scheduled matters and to accommodate previously scheduled vacation plans of counsel and witnesses.

(2) Settlement/ADR Conference

The parties have conferred regarding an early settlement/ADR conference, and agree that they do not believe that such a conference would assist the parties in resolving this case at this point in time. Defendants have requested that Defendant State of Maryland and Maryland Department of Transportation be dismissed as Defendant Maryland Transit Administration acknowledges that it is the Plaintiff's employer, rather than the State of Maryland. Plaintiff's counsel is considering this request.

(3) Report About Deposition Hours

At this time, the Plaintiff and Defendants estimate that they will each require 20 hours of deposition time for fact witnesses, but wish to reserve up to the 30-hour limitation set by the Court based on how discovery proceeds.

(4) United States Magistrate Judge

There is not unanimous consent between the parties to proceed before a United States Magistrate Judge.

(5) E-Discovery

The parties have conferenced *via* telephone twice regarding E-discovery. Plaintiff's counsel has indicated that he wishes to obtain emails referring to Mr. Mattison with regard to the employment actions described in the Amended Complaint that went to and from Supervisor Mohammed Quraishi; as well as regarding Austin Breckenridge, Jr.; and to and from any managers or supervisors that the parties are able to determine through discovery to have relevant information regarding Mr. Mattison and the employment actions described in the Amended Complaint. Plaintiff has also indicated that he wishes to obtain any employment or other files relevant to Mr. Mattison's employment that are stored in electronic format for which there are not paper copies kept in the ordinary course of business. Defendant Maryland Transit Administration has advised Plaintiff's counsel that MTA emails are stored on Maryland Department of Transportation (MDOT) servers and that the requests for ESI will be processed through MDOT. Given that the Amended Complaint covers four years and each relevant email account will have to be separately searched, Defendants' counsel has requested that Plaintiff identify and limit relevant time frames to the extent possible. The parties agreed to prepare a draft claw-back protective order to address inadvertent disclosures and the protection of confidential and privileged information.   During the course of discovery, and subject to and in consideration of Defendants' discovery responses, Plaintiff reserves to pursue E-Discovery not discussed in this letter. Defendants' counsel has voiced her objection to this reservation as defeating the purpose of an initial agreement to identify matters reasonably subject to E-Discovery under the Rules and protocols.

The parties thank you for your attention to this matter.

Sincerely,

/s/

Julie T. Sweeney
Assistant Attorney General
Counsel for the Defendants

cc: Michael E. Glass, Esquire, via electronic filing